

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FRITO-LAY, INC.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
LABOR; HILDA L. SOLIS, in her official
capacity, Secretary, United States Department
of Labor; OFFICE OF FEDERAL
CONTRACT COMPLIANCE PROGRAMS;
PATRICIA A. SHIU, in her official capacity,
Director, Office of Federal Contract
Compliance Programs,

Defendants.

Case No. 3:12-CV-1747
Judge Jane J. Boyle
Magistrate Judge David Horan

AGREED ORDER

The Joint Motion for Voluntary Dismissal is GRANTED.

It is hereby ORDERED that:

(1) The administrative proceedings before the United States Department of Labor, Office of Administrative Law Judges and the Administrative Review Board, in ALJ Case No. 2010-OFC-002 and ARB Case No. 10-132, are hereby VACATED with prejudice to their re-institution, including the Final Administrative Order of the Administrative Review Board of the United States Department of Labor issued on May 8, 2012 in ARB Case No. 10-132, and the Recommended Decision and Order of the United States Department of Labor Administrative Law Judge issued on July 23, 2010 in ALJ Case No. 2010-OFC-002;

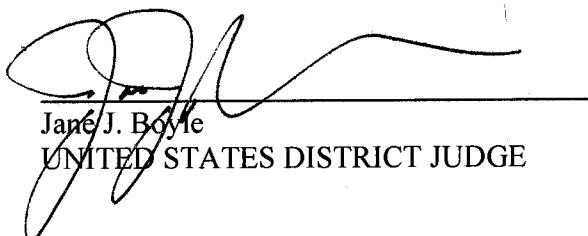
(2) this action is DISMISSED WITH PREJUDICE, but this dismissal does not operate as

an adjudication on the merits of the legal theories raised by Frito-Lay in the Second Amended Complaint (Dkt. 32) to the extent any of such theories is raised in any subsequent suit or administrative proceeding arising from any future OFCCP compliance review or administrative enforcement proceeding, and this dismissal does not prejudice Frito-Lay's right to assert the same legal theories contained in the Second Amended Complaint (Dkt. 32) in any such subsequent suit or administrative proceeding arising from any future OFCCP compliance review or administrative enforcement proceeding; and

(3) each party shall bear its own costs and fees incurred in this matter.

DATED:

April 15, 2014



Jane J. Boyle
UNITED STATES DISTRICT JUDGE